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GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			DEANE JR, WILLIAM J	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/407,174
Filing Date: September 28, 1999
Appellant(s): SANCHEZ, ANDRES

MAILED

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Technology Center 2600

Neil F. Greenblum
Greenblum & Bernstein, P.L.C.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/11/2007 appealing from the Office action mailed 12/14/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,259,908

Austin

07-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1 – 2, 4, 11- 12, 16, 18 and 23 – 24 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,483,586 (Sussman).

With respect to claims 1, 4, 11, 16, 18 and 23 – 24, Sussman teaches a method of managing telephone data storing telephone data “related to” at least one of incoming and outgoing telephone calls in at least one of public call and private call list, the public call list (memory 9 in Fig. 2) being accessible to any user during operation of a telephone and limiting a user’s access to the public telephone data in the public call list (memory 9), until such time as the user of the telephone inputs a personal secret access code, after which, the user has access to the public telephone data in the public call list and to private telephone data (memory 10 is the private call list of private telephone data that is associated with the inputted personal secret access code, wherein both the private call list and public call list are stored in the telephone (5, Fig. 1). Item 5, in Fig 1 is read as the claimed “telephone”. See Col. 7, lines 6 – 19 and Fig. 2. With respect to the limitation of “storing telephone data “related to” at least one of incoming and outgoing telephone calls”, it is noted that the claim does not recite that the system somehow captures the data of an incoming or outgoing call; only that the data stored is “related to” incoming or outgoing calls. Note that the data stored in Sussman is “related to” incoming or outgoing calls. The user dials these stored numbers (see

Col. , line) and thus these numbers are at least at some point "related to" an outgoing call.

With respect to claims 2 and 12, note display interface 14 and display unit 16.

With respect to claims 4, note key interface 15and key unit 17.

Claims 5 – 10, 13 – 15, 17 and 19 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sussman in view of U.S. Patent No. 6,259,908 (Austin).

With respect to claim 5, combining data contained in separate memories into one memory would have been obvious to one of ordinary skill in the art. This is known in the art as consolidating, and it is used to save memory space and increase efficiency in accessing data.

With respect to claims 6, 8 – 10, 14 – 15, 17, 19 – 22, if not inherent in Sussman, note that Austin teaches two modes (see Col. 7, lines 20 – 64 of Austin). It would have been obvious to one of ordinary skill in the art to have incorporated such first and second modes as taught by Austin into the Sussman device and method, as such would only entail replacing one well-known security feature for another.

With respect to claims 7 and 13, note as claimed, the limitations of claim 7 and 13 are nothing more than the notoriously old call blocking or call screening. Such features have been in service for years. In addition, note Col. 1, lines 54 – 58 of Austin).

(10) Response to Argument

Appellant's first argument (page 12, last full paragraph) is that Sussman's data, stored in directory 9, is not related to at least one of incoming or outgoing calls. Of course the numbers downloaded by a user are related to at least incoming or outgoing calls. The recitation of "related to" is extremely broad. If the numbers are not related to one of incoming or outgoing calls, what is the point of storing them? Is it Appellant's contention that a user of the Sussman device only downloads numbers that will never be used by a user? That is, it appears that Appellant contends that a user of the Sussman device will only download numbers for people who will never call the user (incoming) and only download numbers (outgoing) that a user never intends to call. Furthermore, the numbers once downloaded and used later would be related to at least an incoming or outgoing call. Even Appellant acknowledges that a user of the Sussman device can direct the telephone to dial (outgoing) any number listed in directories 9 and 10 (see page 12 of the Appeal Brief, last full paragraph). The numbers in directories 9 and 10 are related to incoming and outgoing calls. Note that directories 9 and 10 (element 7) are part of the residential subscriber 5 in Fig. 1 (see element 7 in Fig. 2). The numbers from the central telephone directory service provider (1) are downloaded to directories 9 and 10 as part of element 7 (Fig. 1). Appellant goes on to say that directory 9 is provided solely to receive directory data from the service provider (see again page 12 of the Appeal Brief, last full paragraph). However, this is also incorrect. Directory 9 not only receives the data, but as noted by Appellant above, can be used to make an outgoing call. See dialing calls in Col. 5, lines 52 – 61 of Sussman.

At the bottom of page 12 and continuing on page 13, Appellant again argues that Sussman's memory does not contain numbers "related to" an incoming or outgoing call and being accessible to any user during operation of a telephone. Again, any phone number is related to an incoming or outgoing call. As far as the number being accessible during operation of a telephone, the examiner believes that the numbers in directories 9 and 10 are only accessible during operation of the telephone. How else could the numbers be dialed unless one is operating the phone?

Appellant on page 13, first full paragraph, argues about the limitation of limiting a user's access to the public telephone data... Appellant argues that there is no indication that directory 9, is accessible before entry of a password. It is noted that User Directory 10 provides a means to maintain secure access, which is by means of a password or identification code (Col. 7, lines 6 -12). Note that this is implemented because the phone may be used by multiple users. The directory 9 does not have means of a password because it is full of public data. However, directory 10 can be secured with a password because it contains data of a personal nature.

Arguments from the bottom of page 13 – page 20 are the same as the ones noted above.

With respect to claim 24 on page 21 of the Brief, Appellant argues that there is no public data or private data. This is incorrect. The data in directory 9 is public data from a public Central Telephone Directory Service Provider 1 and personal user directories (private data) are set up in User Directory 10 and protected with a password.

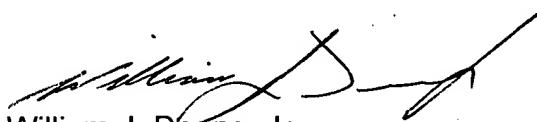
With respect to Appellant's argument with regard to claims 6, 8 – 10, 14, 15, 17 and 19 – 22 and the limitation of operating in two modes. Applicant argues that it is not understandable as to how the Sussman reference is modified with the two modes of Austin. The Austin device discloses a Subsidy Lock Code (SSDS) is used to allow use of the phone. A user can use this SSDS to restrict use of the phone or not. In which case, no restriction on use applies. It would have been obvious to one of ordinary skill to have incorporated such SSDS as taught by Austin into the Sussman device as an added security means.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



William J. Deane, Jr.

**WILLIAM J. DEANE, JR.
PRIMARY EXAMINER**

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Art Unit: 2614

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